

REMARKS

New arguments have been added in italics.

In the Office Action, the Examiner rejected claims 1-12 and 25-27 pursuant to 35 U.S.C. § 112, second paragraph. The Examiner alleged that there is no indication what the "dimension" is referring to or where that dimension is located. Claims 1-12 and 25-27 have been cancelled.

The Examiner rejected claims 13, 14, 16-21, 23 and 24 pursuant to 35 U.S.C. § 102(b) as anticipated or pursuant to 35 U.S.C. § 103(a) as obvious over Jingu et al. (U.S. Patent No. 5,129,397). Independent claim 13 recites a transducer connector connected with the stand where a top of the transducer connector is below a top of a display and above a lowest portion of a control panel. Independent claim 23 recites connecting a transducer connector such that a top of the transducer connector is below a top of a display and is above a lowest portion of the control panel. Jingu et al. do not disclose these limitations.

Since Fig. 2 of Jingu et al. clearly show the transducer connector 82 entirely below the control panel 46, the Examiner relies on Figures 11-13. Figures 11-13 do not show a transducer connector. Fig. 11 shows a loop of cable by a cable rack 114 for storing probes not being used. Fig. 13 details the cable rack 114, including showing the low hanging loop of cable 118. Fig. 13 further shows the cable 118 going past a rack 122 and downwards past a shaft 120. The downward orientation of the cable 118 indicates that the transducer connector is on the base 100 and/or clearly below the control panel 108. The downward extent indicates a lower position of the transducer connector than the control panel 108. In the embodiments of Figs. 11-14, Jingu et al. does not explicitly disclose the top of the transducer connector being above the lowest portion of the control panel. Jingu et al. do not anticipate claims 13 and 23.

Claims 13 and 23 are not obvious from Jingu et al. As shown, the downward orientation of cable in Fig. 13 suggests a transducer connector as described for Fig. 2 on the base, well below the control panel. The embodiment of Fig. 2 makes a same suggestion by explicitly providing the transducer connector on the base below the control panel. The device of Figure 11-14 allows rotation of the control panel relative to the base. However, there is no suggestion to rotate the lowest portion of the control panel to a location lower than the top of the base. Fig. 14 suggests different positions for the control panel relative to the base, all above the base. Further rotation than shown in Figure 14 is not suggested. A person of ordinary skill in the art would not have provided

further rotation. Further rotation would result in the user having to bend over uncomfortably for use and would greatly increase the area needed for the system in a crowded medical environment. Even with the ability to adjust, there is no suggestion to adjust to the point that the lowest portion of the control panel is below a top of the base and any top of a transducer connector.

In response to the arguments above, the Examiner alleges Fig. 13 shows a "connector" or connection means provided on the lower portion of the rack 122. However, a transducer connector is a term of art having a known meaning as a connector for electrically and physically releasably connecting a transducer probe and cable to an imaging system. Jingu et al. even show such a connector at 82 (Col. 5, lines 44-46; Figures 8-10). The rack 122 holds the cable 118, but is not a transducer connector.

The Examiner also alleges it would have been obvious to provide a "connector" for the cable 118 at the claimed position to allow a user to replace only a portion of the cable. However, transducer cables include many (e.g. 64 or 128) coaxial cables, so a cable-to-cable connector is not likely and is not obvious. There is no motivation to replace only a portion of the cable. Additionally, Jingu teaches positioning the transducer connector on the lower base (see Figures 8-10), not with a portion above the control panel. The cable 118 shown extending downward from the rack 122 in Fig. 13 indicates that a lower position of the transducer connector is provided by Jingu et al. It would not have been obvious to position the transducer connector above a lower portion of the control panel.

Dependant Claims 14-21 and 24-25 are allowable for the same reason as claims 13 and 23. As discussed above, rearranging of parts to result in the arrangement of claim 14 is contrary to the shown adjustability and actual usage considerations of Jingu et al. so would not have been obvious.

The Examiner rejected 1-12, 22 and 26-31 pursuant to 35 U.S.C. §103(a) as being unpatentable over Jingu et al. Claims 15 and 25 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Jingu et al. in view of Clark et al. (U.S. Patent No. 6,493,220).

Independent claims 22 recites a control panel connected to the stand at a position more centered then off-centered on the control panel. The connection is not a mere rearrangement of parts as characterized by the Examiner. The teachings of Jingu et al. disclose a different arrangement with an off center connection (Figs. 2, 30 and 7). Jingu et al further provide reasons for this arrangement. Jingu et al. desire to maximize the degree of freedom of operation (Col. 5,

lines 47-55). Accordingly, the off-center connection of Jingu et al. allows for rotating the control panel away from the base or stand, such as rotating the control panel by 90 degrees to provide the control panel without any of the stand under the control panel (Col. 4, lines 9-11 and Figs. 4 and 7). The extension and rotation of Jingu et al. maximizes the degree of freedom available to the user. The stand may be positioned away from a patient bed while the control panel is positioned adjacent to the bed. Conversely, any control panel connected at a more centered location results in less freedom. The control panel is over the base, at least in part, in any rotation except possibly a 180 degree rotation (centered connection along a back edge). Centering the connection reduces versatility, but Jingu et al. teach maximizing the degree of freedom of operation. Applicants respectfully submit that a person of ordinary skill in the art would not have used a more centered connection with Jingu et al., since the more centered connection limits the degree of freedom. Given the teachings of Jingu et al., the mere rearrangement suggested by the Examiner would not have been provided by a person of ordinary skill in the art and is improperly using hindsight.

In response to the arguments above, the Examiner alleges that the connection at a portion more centered than off-centered does not carry patentable weight and that the differences would have been obvious. As explained above, the difference provides for differences in degree of freedom and range of motion. For ergonomics of the stand, these differences are important. See the previously submitted awards associated with the present application for a product covered by these claims. Given the teachings of Jingu et al., there is no motivation to position the control panel at a more centered location. Jingu et al. desire range of motion and degree of freedom.

Independent Claim 28 recites a control panel connected to and mounted on the stand. The Examiner cites to the ability to hold a translated arm plate (col. 4, lines 51-55) for this limitation. Figure 5 shows the mechanism allowing components to translate and releasably lock the moveable components in place (col. 4, lines 56-66). In the section of the Office Action on §112, the Examiner notes a meaning of "mounted" as "cannot rotate relative to the stand" and alleges this meaning as provided by the Applicants. However, and as noted in the previous Second Response, "mounted on" means fixed or not capable of rotation, like a diamond mounted in a setting. Since Jingu et al. allows rotation, the control panel of Jingu et al. is not connected to and mounted on the stand. Even though Jingu et al. may lock the rotation or translation, the ability to unlock and provide movement shows that Jingu et al. do not mount the control panel to the stand. Even when temporarily locked,

the control panel is not mounted to the stand. Jingu et al. desire versatility, so use a lockable but moveable connection.

In response to the arguments above, the Examiner alleges that Jingu et al. "mounts" to the stand as defined by Applicant since the control panel is both rotatable and fixed or is locked with respect to the stand. "Mount" is defined by Applicant as "not able to rotate." Since Jingu et al. show the control panel as rotatable, even if temporality fixed or locked, the control panel is not mounted. The control panel may be rotated, so is not mounted. While locked, the control panel of Jingu et al. does not rotate. However, the ability to rotate still exists. The control panel is able to rotate by unlocking the control panel. The control panel has the ability to rotate even if currently locked in place. The control panel is not "mounted" in the sense of a diamond in a ring.

Dependent Claims 29-31 depend from claim 28, so are allowable for the same reasons.


CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (650) 943-7554 or Craig Summerfield at (312) 321-4726.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation
Customer No. 28524
Attn: Elsa Keller, Legal Administrator
170 Wood Avenue South
Iselin, NJ 08830

Respectfully submitted,


Anand Sethuraman, Reg. No. 43,351
Attorney(s) for Applicant(s)
Telephone: 650-943-7554
Date: 5/4/06